

REMARKS

The Amendment is believed to fully address all and every issue raised in the Office Action. Favorable reconsideration on the merits and allowance of the application are respectfully requested.

Claims Disposition and Summary of Amendments

In the Office Action dated November 2, 2009, claims 1 and 4-8 have been considered on the merits and claim 9 has been withdrawn as being directed to non-elected subject matter.

In the instant amendment, claims 1 and 9 are amended to incorporate the features of claims 4 and 8. Claims 4 and 8 are canceled accordingly. Therefore, upon entry of the amendment, which is respectfully requested, claims 1 and 5-7 will be all the claims pending in the application.

Furthermore, the term “pack formulation” is described in the specification, at page 4, lines 20-24.

No new matter is introduced, and entry and consideration of the amendment are respectfully requested.

Responses to Claim Rejections

1. In the Office Action, claim 1 is rejected under 35 U.S.C. 102(b) as assertedly being anticipated by Sakai (JP2002326920 A).

2. And, claims 1 and 4 are rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Sakai (JP 2002326920 A) in view of Bourriot et al. (FR 2811997 A1).

In response, claim 1 is amended to incorporate the features of claims 4 and 8, rendering the rejection moot.

Therefore, amended claim 1 is patentable over Sakai, either alone or in combination with Bourriot, and withdrawal of the rejection is respectfully requested.

Rejection of claim 4 is rendered moot by cancellation of claim 4.

3. Claims 1, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (JP 2002326920 A) and Bourriot et al. (FR 2811997 A1) further in view of Contamin (EP 315541 A) and Kitchencraftsnmore (<http://web.archive.org/web/20031208031644/http://kitchencraftsnore.net/bath3.hirni>).

Sakai is cited as teaching an emulsion composition for cosmetics containing 0.5 weight parts mannan and 0.5 weight parts xanthan gum to obtain an oil-in-water emulsion.

In the Office Action, it is admitted that Sakai does not teach starch in a ratio of up to 10 times to 1 weight of combined xanthan gum and mannan, yoghurt powder and strawberry, pack formulation.

Bourriot is cited as teaching a composition for cosmetic formulation with starch at 10-50 wt % (Abstract).

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use xanthan gum and mannan with starch because starch is a thickener that can be used to increase the viscosity of the xanthan gum and mannan composition for cosmetic use.

Contamin teaches cosmetic composition with lyophilized yoghurt or kehir for application to skin to improve smoother and softer skin, while improving firmness and storage for along time.

According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use xanthan gum and mannan with yoghurt powder because yoghurt powder can be used to increase the firmness and improve smoothness and softness for cosmetic use.

With regard to claim 8, the Examiner admits that the references do not specifically teach formulating the composition in the form claimed by applicant; however, the Examiner argues that the pack pharmaceutical form is well known in the art to be acceptable means of administering a pharmaceutically active substance.

Applicants respectfully traverse.

Sakai discloses an emulsion composition in an emulsified state including a part having an oil phase as an external phase such as W/O shape and a multiphase emulsified state having improved touch feeling and stability and the essential constitutional component is one or more kinds selected from a citric acid ester of glycerol stearate and a skin humectants component. Though xanthan gum and mannan are used in the examples, they are used merely as optional additional components. Sakai does not disclose or suggest the features of the present invention, i.e., the specific combination of the xanthan gum and mannan gum exhibits a lumpy texture and a viscosity of a curd yogurt formulation, thus the composition of the present invention is suitable as a pack formulation. Therefore, the present invention is non-obvious from the cited references.

In view of the amendments made to the claims, favorable reconsideration is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: April 2, 2010

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